

MICHAEL PATRICK MCELHINEY
Reg. No. 04198-097
MDCLA 8-A-03/04
P. O. Box 1500
Los Angeles, CA 90053
pro se defendant

 **ORIGINAL**

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
(Western Division)

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL PATRICK MCELHINEY,

Defendant.

CASE NO.: CR-02-938-GHK

REQUEST TO WITHDRAW MOTION
FOR ORDER APPROVING PROPER
BACK PAIN MEDICATION AND FOR
EVIDENTIARY HEARING;
DECLARATION OF MICHAEL
PATRICK MCELHINEY

Honorable George H. King

TO THE HONORABLE DISTRICT COURT JUDGE GEORGE H. KING:

Defendant, Michael McElhiney, appearing *pro se* in the above-captioned proceedings, hereby requests to withdraw his previously-filed Motion for Proper Back Pain Medication or for an Evidentiary Hearing.

Having received and read Dr. Sinovsky's recent declaration to this Court, Mr. McElhiney realizes he misunderstood Dr. Sinovsky's remarks to him and hereby apologizes to the Court for his Motion and respectfully asks to withdraw it.

This Request is based upon the attached declaration of Michael Patrick McElhiney.

October 12, 2007

Respectfully submitted,



MICHAEL PATRICK MCELHINEY
pro se defendant

DECLARATION OF MICHAEL PATRICK MCELHINEY

I, Michael Patrick McElhiney, declare;

1. I am the *pro se* defendant in this matter.

2. I have just now received and reviewed the Declaration of Dr. Sinovsky filed with this Court October 10, 2007. After reading I realize that I misunderstood Dr. Sinovsky's remarks to me about my proper pain medication.

3. Dr. Sinovksy speaks with a very thick accent, and I apparently did not grasp the full flavor of his remarks to me about his ability to prescribe proper pain medication for me.

4. Thus, in view of Dr. Sinovsky's declaration, I hereby request immediately to withdraw my Motion regarding Back Pain Medication.

5. I apologize to the Court for any inconvenience I may have caused it by making this motion. I want to assure the Court that I made my mistake in good faith, and that I did not intend in any way to mislead this Court.

6. I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct and if called upon to do so, I could and would competently testify thereto.

Executed this 12th day of October, 2007, at Los Angeles, California.



MICHAEL PATRICK MCELHINEY

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California.

I am over the age of 18 and not a party to the within action; my business address is 880 West First Street, Suite 304, Los Angeles, California 90012.

On October 12, 2007, I served the foregoing document described as REQUEST TO WITHDRAW MOTION FOR ORDER APPROVING PROPER PAIN MEDICATION OR IN THE ALTERNATIVE FOR AN EVIDENTIARY HEARING; DECLARATION OF MICHAEL PATRICK MCELHINEY on interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

AUSA STEVEN WOLFE
1500 UNITED STATES COURTHOUSE
312 NORTH SPRING STREET
LOS ANGELES, CALIFORNIA 90012

I am readily familiar with the firm's practice of collection and processing of correspondence for mailing. Under that practice, it is deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after date of deposit for mailing contained in the affidavit.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on October 12, 2007, in Los Angeles, California.


SARA RAMOS